

T.C. Memo. 2008-27

UNITED STATES TAX COURT

HOI THI HUYNH, Petitioner y.
COMMISSIONER OF INTERNAL REVENUE, Respondent

Docket No. 22381-06.

Filed February 12, 2008.

Hoi Thi Huynh, pro se.

Tracy Hogan, for respondent.

MEMORANDUM FINDINGS OF FACT AND OPINION

FOLEY, Judge: The issue for decision is whether petitioner is liable for a section 72(t)¹ 10-percent additional tax relating to distributions from a qualified retirement plan.

¹ Unless otherwise indicated, all section references are to the Internal Revenue Code of 1986, as amended.

FINDINGS OF FACT

Until October 2003, petitioner was employed as a math teacher with the City of Chicago. While employed as a teacher, petitioner acquired an annuity account with AXA Equitable, a qualified retirement plan. In 2004, petitioner received distributions from AXA Equitable of \$5,478 and \$8,961. Petitioner reported, on her 2004 tax return, the distributions as income from pensions and annuities.

On July 31, 2006, respondent issued petitioner a notice of deficiency relating to 2004 and determined that petitioner was liable for a 10-percent additional tax with respect to the distributions.

Petitioner filed her petition with the Court on November 2, 2006, while residing in Chicago, Illinois.

OPINION

A 10-percent additional tax is imposed upon distributions from a qualified retirement plan, unless one of the exceptions enumerated in section 72(t)(2) is satisfied. Sec. 71(t)(1) and (2); see also Dwyer v. Commissioner, 106 T.C. 337 (1996). Petitioner failed to meet any of those exceptions. Accordingly, we sustain respondent's determination.

Contentions we have not addressed are irrelevant, moot, or meritless.

Decision will be entered for respondent.